App. F. IX-4

*Previous Reference* 193 (Law)

PRESERVED

**File No.** 130-3

**Serial No.** 8

*Letter References* 29

C15 Dep No. 38/34

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* One

(6)

**Part B for** March 1938

**SUBJECT.**

Remission of punishment under Sec 401 a Pc. in the case of the person convicted for political offences - before the city magistrate, Bangalore -

Recorded

WD 0295—GPB—22,500—13-8-37

25/5/38

5309/7 (1

General and Revenue Secretariat — Law File No. 130 of 1937 — [App. F. III—2

Serial No.

From

The Govt Advocate

Letter no. 674 Dated 11-3-38

Gives a list of Revn petitions pending disposal in the High court and suggests that in these cases also Govt may exercise the power to remit under Sec 401, Cr. P.C. the punishments, on the accused.

1) The Govt Advocate's letter is not sufficiently explanatory - re the nature of the offences for which the accd have been convicted. For orders whether a report may be called for from the Dist Collector

Ch 11/3/38

2) The D. M. may be consulted about the desirability of the nature of the offences. Whether the convicted persons have withdrawn their petitions filed in the H. C, & are Counsel remit the sentence. Their petitions may be considered if those persons agree to the withdrawal & the petitions filed by them in the H C.

Chief Secy

3) The Govt advocate's suggestion may be adopted in view of the orders passed generally in regard to offences connected with political agitation.

1st member

4) I think so

OFFICE OF THE FIRST ... MAR 12 1938 6112

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

5309

Remissions of sentences – in certain cases before High Court

(7

Law File No. 130 of 1937

General and Revenue Secretariat

5) For perusal.

Dewan)

MS 4/3

KSR 14.3

DEWAN'S OFFICE
16 MAR 1938
6311

6) MS
16-3-38

MS 17.3.38

KSR 17.3

7. Mr S. Ramalapalaiah the advocate for the petitioners in the 4 cases never considered. Saw me today and stated that petitioners are not willing to withdraw their revision petitions pending in the High Court. The question of remission of sentence in their cases may therefore be dropped.

Chief Secy)

8) For perusal. KSR 23.3

1st member & Dewan) MS 24/3

KSR 24.3

CHIEF SECRETARY
24 MAR 1938
GOVT OF MYSORE.

OFFICE OF THE
FIRST MEMBER OF COUNCIL
MAR 24 1938
No 6384

9) JPN 24/3

10) If no serious objections as contemplated by the H.C., steps may be taken to release the prisoners.

MS 25-3-38

DEWAN'S OFFICE
25 MAR 1938
6503

KSR 28/3

MS 28/3

KSR 28.3

B 29-3-38

S-309 of 37
P

13

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

D. O. No. 674 Exe-one

*Bangalore*, 11th March 1938.

CONFIDENTIAL.

Law 130-37-8

Dear Sir,

The marginally noted Revision Petitions have been filed by the Petitioners against the convictions and sentences passed against them and they are pending disposal in the High Court.

1. Criminal Revision Petition No. 140/37-38, (S. V. Narayana Murthi - petitioner) accused in C.C.No. 137/37-38 on the file of the City Magistrate, Bangalore.

2. Criminal Revision Petition No. 141/37-38 (S. Ramaswami - petitioner) accused in C.C.No. 137/37-38 on the file of the City Magistrate, Bangalore.

3. Criminal Revision Petition No. 142/37-38 (Savoi Aswatha Rao - petitioner) accused in C.C.No. 139/37-38 on the file of the City Magistrate, Bangalore.

4. Criminal Revision Petition No. 202/37-38 (G.R.Swami - petitioner) accused in ~~xxxNox~~ Cr. Mis. Case No.1/37-38 on the file of the Second City Magistrate, Bangalore, & Applt. in Cr. Mis. Ap.No.12/37-38 before the Sessions Judge, Bangalore.

2. I do not find that there is any great difficulty in maintaining the convictions in those cases but all the same I seek your kind permission to make a suggestion in the matter.

3. The Government out of their generosity have been pleased to withdraw all the cases ~~m~~ of more heinous offences than those committed by the petitioners now under reference and I may kindly be permitted to say that so far as I can see it has had a very good reaction on the public. I think these cases also may kindly be added to the list and the power to remit vested in the Government under section 401 of the Code of Criminal Procedure may be exercised provided that the petitioners follow the same procedure as they did, with reference to Criminal Appeal No.31/37-38 (C.B.Monniah and others - appellants) in the High Court yesterday and withdraw the petitions filed by them.

This file has been submitted to Dewan with me letter received from Mr. K P Bhadriyana

(4



4. I made a reference on the matter to the District Magistrate, Bangalore. He replied to say that it did not come within the purview of Government Order No.2147-57/C.B. dated the 11th February 1938, and your D. O. letter No. 2158-65/C.B. dated the 11th February 1938, addressed to him. A copy of his letter is herewith enclosed. Though he may be technically right I think it comes at least within its spirit. It will be an act of grace which I am sure will be very highly appreciated by the public.

5. May I request your kindness to place the proposal for the kind consideration and orders of Government.

With kind regards,

Yours sincerely,

Mirza M. Hasan
Bangalore

B. T. Kesava Iyengar, Esq., B.A.,
Chief Secretary to Government,
Bangalore.

(5-

Copy of D. O. letter No.J.1.D.C.47/37-38 (Confidential) dated the 2nd March 1938, from the District Magistrate, - Bangalore District, to the Government Advocate in Mysore, - Bangalore.

---

"With reference to your D. O. letter dated 1st March 1938, enquiring whether the 4 cases referred to in your - letter come within the purview of the Government Orders - directing the remission of sentences and withdrawal of - cases, I write to inform you that they do not fall within the scope of the Government Orders referred to by you as can be seen from a perusal of Government Orders in this - connection. (Copies attached)".

---

Government Advocate.

H.